

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

TAMMY LORD, A/K/A LECLERC,  
STEVEN LECLERC,

Plaintiffs,

v.

PHH MORTGAGE CORPORATION,

Defendant.

CIVIL ACTION NO.  
1:24-cv-00160-LM-TMS

**DEFENDANT’S ANSWER TO PLAINTIFFS’ VERIFIED COMPLAINT  
AND ACTION TO QUIET TITLE**

Defendant, PHH Mortgage Corporation (“PHH”), hereby answers the Verified Complaint and Action to Quiet Title (“Complaint”) filed by Plaintiffs, Tammy Lord a/k/a Leclerc and Steven Leclerc, and states as follows:

**PARTIES**

1. PHH lacks sufficient knowledge or information to admit or deny the allegations contained in paragraph 1 of the Complaint.
2. Denied.

**JURISDICTION AND VENUE**

3. [Unnumbered Paragraph] The allegations contained in this unnumbered “Jurisdiction and Venue” paragraph of the Complaint state conclusions of law, to which no response is required and is otherwise denied.

**FACTUAL ALLEGATIONS**

4. [Misnumbered as Paragraph 1]<sup>1</sup> The allegations contained in this paragraph of the Complaint reference a written document (*i.e.*, a warranty deed), which speaks for itself and to

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<sup>1</sup> The paragraphs in the Complaint do not appear in sequential order.

which no response is required. To the extent a response is required, PHH denies any allegations inconsistent with this document.

5. [Misnumbered as Paragraph 2] The allegations contained in this paragraph of the Complaint references written documents (*i.e.*, a note and mortgage) which speak for themselves and to which no response is required. To the extent a response is required, PHH denies any allegations inconsistent with these documents.

6. [Misnumbered as Paragraph 3] In answering this paragraph of the Complaint, PHH admits that an assignment of mortgage was recorded on May 1, 2020, in Book 9288, Page 2973, which speaks for itself and to which no response is required. Answering further, PHH denies the remainder of the allegations in this paragraph.

7. [Misnumbered as Paragraph 4] In answering this paragraph of the Complaint, PHH admits that an assignment of mortgage was recorded on November 15, 2023, in Book 9741 Page 1879, which speaks for itself and to which no response is required. Answering further, PHH denies the remainder of the allegations in this paragraph.

8. [Misnumbered as Paragraph 5] Denied.

9. [Misnumbered as Paragraph 6] Denied.

10. [Misnumbered as Paragraph 7] The allegations contained in this paragraph of the Complaint reference written documents (*i.e.*, notice of acceleration and purported screenshots from a website), which speaks for themselves and to which no response is required. To the extent a response is required, PHH denies that the allegations in this paragraph imply the existence of facts to support a claim against PHH.

11. [Misnumbered as Paragraph 8] The allegations contained in this paragraph of the Complaint reference a written document (*i.e.*, reinstatement letter) which speaks for itself and to

which no response is required. To the extent a response is required, PHH denies that the allegations in this paragraph imply the existence of facts to support a claim against PHH.

12. [Misnumbered as Paragraph 9] PHH lacks sufficient knowledge or information to admit or deny the allegations contained in this paragraph of the Complaint. Answering further, PHH denies that the allegations in this paragraph imply the existence of facts to support a claim against PHH.

13. [Misnumbered as Paragraph 10] Denied.

14. [Misnumbered as Paragraph 11] Denied.

15. [Misnumbered as Paragraph 12] PHH lacks sufficient knowledge to admit or deny the allegations contained in this paragraph of the Complaint. To the extent a response is required, PHH denies that the allegations in this paragraph imply the existence of facts to support a claim against PHH.

### **THE FIRST ASSIGNMENT**

16. [Misnumbered as a second Paragraph 12] Denied.

17. [Misnumbered as Paragraph 13] PHH lacks sufficient knowledge or information to admit or deny the allegations contained in this paragraph of the Complaint. To the extent a response is required, denied.

18. [Misnumbered as Paragraph 14] Denied.

19. [Misnumbered as Paragraph 15] PHH lacks sufficient knowledge or information to admit or deny the allegations contained in this paragraph of the Complaint. To the extent a response is required, denied.

20. [Misnumbered as Paragraph 16] Denied.

21. [Misnumbered as Paragraph 17] Denied.

22. [Misnumbered as Paragraph 18] Denied.

23. [Misnumbered as Paragraph 19] This allegations in this paragraph of the Complaint contain conclusion of law, to which no response is required. To the extent a response is required, denied.

**THE SECOND ASSIGNMENT**

24. [Misnumbered as Paragraph 20] Denied.

25. [Misnumbered as Paragraph 21] PHH lacks sufficient knowledge or information to admit or deny the allegations contained in this paragraph of the Complaint. Further answering, the allegations contained in this paragraph of the Complaint also reference a written document (*i.e.*, an assignment) which speaks for itself and to which no response is required. To the extent a response is required, denied.

26. [Misnumbered as Paragraph 22] Denied.

27. [Misnumbered as Paragraph 23] The allegations contained in this paragraph of the Complaint reference a written document (*i.e.*, the Pooling and Servicing Agreement), which speaks for itself and to which no response is required. To the extent a response is required, PHH denies that the allegations in this paragraph imply the existence of facts to support a claim against PHH.

28. [Misnumbered as Paragraph 24] Denied.

29. [Misnumbered as Paragraph 25] Denied.

30. [Misnumbered as Paragraph 26] Denied.

31. [Misnumbered as Paragraph 27] Denied.

32. [Misnumbered as Paragraph 28] Denied.

33. [Misnumbered as Paragraph 29] The allegations contained in this paragraph of the Complaint appear to concern violations by Plaintiffs themselves, to which no response is required. To the extent a response is required, PHH denies that the allegations in this paragraph imply the existence of facts to support a claim against PHH.

34. [Misnumbered as Paragraph 30] The allegations contained in this paragraph of the Complaint reference written documents (*i.e.*, letters) which speak for themselves and to which no response is required. To the extent a response is required, PHH denies that the allegations in this paragraph imply the existence of facts to support a claim against PHH.

35. [Misnumbered as Paragraph 31] The allegations contained in this paragraph of the Complaint reference a written document (*i.e.*, a letter) which speaks for itself and to which no response is required. To the extent a response is required, PHH denies any allegations inconsistent with this document.

36. [Misnumbered as Paragraph 32] The allegations contained in this paragraph of the Complaint reference a written document (*i.e.*, a letter) which speaks for itself and to which no response is required. To the extent a response is required, PHH denies any allegations inconsistent with this document.

37. [Misnumbered as Paragraph 33] The allegations contained in this paragraph of the Complaint reference a written document (*i.e.*, a letter), which speaks for itself and to which no response is required. To the extent a response is required, PHH denies any allegations inconsistent with this document.

38. [Misnumbered as Paragraph 34] The allegations contained in this paragraph of the Complaint reference written documents (*i.e.*, a 1098 statement and mortgage statements) which speak for themselves and to which no response is required. To the extent a response is required, PHH denies any allegations inconsistent with these documents.

39. [Misnumbered as Paragraph 35] The allegations contained in this paragraph of the Complaint reference written documents (*i.e.*, letters) which speak for themselves and to which no

response is required. To the extent a response is required, PHH denies any allegations inconsistent with these documents.

40. [Misnumbered as Paragraph 36] The allegations contained in this paragraph of the Complaint reference a written document (*i.e.*, letter and payment history), which speak for themselves and to which no response is required. To the extent a response is required, PHH denies any allegations inconsistent with this document.

41. [Misnumbered as Paragraph 37] Denied.

42. [Misnumbered as Paragraph 38] PHH lacks sufficient knowledge or information to admit or deny the allegations contained in this paragraph of the Complaint. To the extent a response is required, denied.

## **CAUSES OF ACTION**

### **COUNT ONE**

#### **FRAUD**

43. [Misnumbered as Paragraph 39] Plaintiffs failed to repeat or reallege all paragraphs above, and, therefore fail to offer any factual allegations and/or evidence in support of Count I. In further answering, PHH states that this paragraph of the Complaint states conclusions of law, to which no response is required. To the extent a response is required, denied.

### **COUNT TWO**

#### **THE FAIR DEBT COLLECTION PRACTICES ACT**

##### **Title 15 US Code §1692(e)**

44. [Unnumbered Paragraph] Plaintiffs failed to repeat or reallege all paragraphs above, and, therefore fail to offer any factual allegation and/or evidence in support of Count II. In further answering, PHH states that this paragraph contains conclusions of law to which no response is required. To the extent a response is required, denied.

45. [Misnumbered as Paragraph 40] Denied.

46. [Misnumbered as Paragraph 41] Denied.

47. [Misnumbered as paragraph 42] Denied.

**COUNT THREE**

**SLANDER OF TITLE**

48. [Misnumbered as Paragraph 43] Plaintiffs failed to repeat or reallege all paragraphs above, and, therefore fail to offer any factual allegation and/or evidence in support of Count III. In further answering, PHH states this paragraph contains conclusions of law to which no response is required. To the extent a response is required, denied.

**COUNT FOUR**

**BREACH OF CONTRACT**

49. [Misnumbered as Paragraph 44] Plaintiffs failed to repeat or reallege all paragraphs above, and, therefore, fail to offer any factual allegation and/or evidence in support of Count IV. In further answering, PHH states that this paragraph contains conclusions of law to which no response is required. To the extent a response is required, denied.

**COUNT FIVE**

**RESPA VIOLATION**

50. [Unnumbered Paragraph] Plaintiffs failed to repeat or reallege all paragraphs above, and, therefore, fail to offer any factual allegation and/or evidence in support of Count V. In further answering, PHH states that this unnumbered paragraph contains conclusions of law to which no response is required. To the extent a response is required, denied

51. [Misnumbered as Paragraph 45] Denied.

## **CONCLUSION**

52. This unnumbered paragraph of the Complaint contains conclusions of law, to which no response is required. To the extent a response is required, denied.

## **AFFIRMATIVE DEFENSES**

### **FIRST AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint should be dismissed because it fails to state a claim upon which relief may be granted.

### **SECOND AFFIRMATIVE DEFENSE**

Plaintiffs lack standing to assert the claims alleged in the Complaint.

### **THIRD AFFIRMATIVE DEFENSE**

All of PHH's actions or inactions were in good faith.

### **FOURTH AFFIRMATIVE DEFENSE**

All of PHH's actions or inactions were in compliance with relevant state and federal law.

### **FIFTH AFFIRMATIVE DEFENSE**

If Plaintiffs have suffered any damages, Plaintiffs failed to mitigate their alleged damages.

### **SIXTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred by the doctrine of waiver, laches, unclean hands, ratification and estoppel.

### **SEVENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are, or may be, barred because the claimed injuries or damages were not proximately caused by any acts or omissions of PHH.

### **EIGHTH AFFIRMATIVE DEFENSE**

The Complaint should be dismissed for failure to name a necessary party.



**NINTH AFFIRMATIVE DEFENSE**

PHH complied with all foreclosure-related statutes as it concerns the subject mortgage loan and the Property.

**TENTH AFFIRMATIVE DEFENSE**

If Plaintiffs suffered any damages, such damages are attributable, in whole or in part, to Plaintiffs' own actions or omissions.

**ELEVENTH AFFIRMATIVE DEFENSE**

At all relevant times, PHH complied with all terms of the agreements concerning the mortgage and the Property.

**TWELFTH AFFIRMATIVE DEFENSE**

Damages alleged by Plaintiffs are speculative, lack any viable legal basis, and are not casually connected to PHH's conduct.

**THIRTEENTH AFFIRMATIVE DEFENSE**

PHH reserves the right to supplement these affirmative defenses as discovery proceeds.

**WHEREFORE,** Defendant PHH Mortgage Corporation, respectfully requests that judgment be entered in its favor and against Plaintiff and that this Court enter such further relief as is just, necessary and proper.

PHH MORTGAGE CORPORATION

By: Its Attorney

/s/ Hale Yazicioglu Lake

Hale Yazicioglu Lake, BBO #679480

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[hlake@hinshawlaw.com](mailto:hlake@hinshawlaw.com)

Dated: July 2, 2024

**CERTIFICATE OF SERVICE**

I, Hale Yazicioglu Lake, hereby certify that on this 2nd day of July, 2024, I served a true and accurate copy of the foregoing documents to all parties by US Mail as follows:

Tammy Lord aka Leclerc  
Steven Leclerc  
49 Church Street  
Goffstown, NH 03045

/s/ Hale Yazicioglu Lake

Hale Yazicioglu Lake